HIS MAIESTIES DIRECTIONS FOR THE ORDERING and setling of the COURTS, and course of *Iustice*, *WITHIN HIS KINGdome of* IRELAND.

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HIS MAIESTIES DIRECTIONS FOR the ordering and setling of the Courts, &c.

I.

Causes to be handled at the Councell Table.

IT is his Majesties pleasure, That the Councell Table shal conteyne it selfe within its proper bounds, in handling of matters of State and waight, fit for that place: amongst which, the Patents of Plantation, and the Offices wherupon those Grants are founded, are to be handled, as matters of State, and to be heard and determined by the Lord Deputie and Councell,

publiquely at the Councell Table, and not otherwise. But Titles betweene party and party, growne after those Patents granted, are to be left to the ordinary course of Law. And that neither the Lord Deputie, Governours, nor Councell Table, doe hereafter intermeddle nor trouble themselves with common businesse, that is within the cognizance of the ordinarie Courts, nor with the altering of possessions of lands, nor make or use private Orders, Hearings, or References concerning any such matter, nor grant anie Injunction or Order for stay of any suits in any civill cause: causes recommended from the Councell Table of England, and speciall causes concerning the Church, excepted.

II.

Oathes in causes betwixt partie and partie, not to be administred at the Councell Table.

THat the Councell Table hereafter forbeare to minister an Oath in any civill causes;

cauſes; the uſe whereof, hath of late yeares crept in, and been adminiſtred in mattets of Title, and complaints betweene partie and partie, that anciently hath not beene uſed.

III.

Protections.

THat neither the Lord Deputie alone, nor the Lord Deputie and privie Councell, nor the Lords Preſidents alone, nor with the Councell of their Provinces, doe grant anie Protections at all for debts, or other civill cauſe, nor any of them as aforeſaid doe grant Protections in criminall cauſes, except in cauſes of great importance: And that they ſhall not give power to any other perſon to protect any man, either in civill or criminall cauſe.

IV.

Pardons to be ſparingly granted.

THat Pardons be ſparingly graunted, ſpecially for enormious offences of murther,

Burglary,

Burglary, Robberie, Rape, and such like. And that none at all in time of peace be graunted to any person, unlesse hee first yeeld himselfe to justice and receive his triall, that the nature of the offence may appeare, that his Majestie be not prevented of the benefite of forfeytures; and the Law stopped in questioning of Accessaries. And that no Pardon be made for Murther, by words of felonious interfection, with a *non obstant'* of the Statute, but that the Pardon expresse the same to be for Murder, according to the purview of the Statute in that behalfe made.

V.

No habeas corpus *when the Defendant is in execution.*

THat no man, against whom judgement shall be given, and is taken in execution, be removed by *Habeas corpus*, and thereupon any wayes bayled or discharged, or suffered to goe abroad with a Keeper above two dayes in any one moneth; and that but upon

on urgent occaſion, unleſſe ſatisfaction firſt be made to the partie, at whoſe ſuit hee is in execution.

VI.

No Capias without an Originall.

THat no Capias hereafter be graunted out by the Court of common-place, without an originall firſt taken forth: the neglect whereof, hath beene an occaſion to hinder his Majeſties caſuall revenue in the fines for originall Writts, and fees for the great Seale, (which courſe hath no warrant by Law) And that the halfe fees be paid to his Majeſtie upon the *Latitat* in the Kings Bench, where the whole fee is paid upon the Original in the cõmon place, as is uſed in England.

VII.

Choyce of Sheriffs.

THat good care be taken in appointing of Sheriffs, to the intent miniſteriall and judiciall proces may be the better executed, be-

ing a ſpeciall meanes to expedite juſtice, and to levie his Majeſties revenue: which (by the Law of this Kingdome, as it is in England) are to bee propounded at a publique meeting of the Lord Chancellor and Iudges, and three names for every countie delivered over in a roll or ſchedule to the Lord Deputie, that one of them may be pricked to bee Sheriffe. And that from henceforth the Lo: Deputie for the time being, nominate one of the three conteyned in the ſaid liſt, to be Sheriffe, and none other, except there be found unfitneſſe in the three, or any of them: and then the Lo: Deputie calling unto him thoſe that were at the former nomination, to take from the Iudges of the circuit, other names in their ſtead: and no choice otherwiſe to be deſigned or appointed, then according to the courſe aforeſaid. And the Lo: Preſidents of Mounſter & Connaght, may (if they pleaſe) be preſent at the ſaid meeting, And the Iuſt. of Aſsiſe, that ryde within their Provinces, are to adviſe with the ſaid Preſidents, who, in their opinion, are fitteſt to be Sheriffs in each

each Countie within their Iuriſdictions.

VIII.

Choyce of Vnderſheriffs and Bayliffs.

THat ſpeciall care be taken, that the high Sheriffs make choyce of meet perſons to be Vnderſheriffs, ſufficient and able both in eſtate and knowledge; who ſhall bee firſt ſworne to the due execution of the place, and receive the Oath of Supremacie: And that the Sheriffs appoint none to bee common Bayliffs, but ſuch as firſt take an oath for the due execution of their offices; And that no meane proceſſes or executions be hereafter ſerved by the Souldiers, who by colour ther-of, have heretofore taken occaſion to charge the countrey.

Souldiers to ſerve no proceſſes.

IX.

Sheriffs to chooſe their owne Gaolers.

THat the high Sheriffs, according to Law, have liberty to appoint their owne Gao-

lers, that they may be the better answerable for escapes, And that all former graunts of the office of Gaoler-ship, being made by his Majest. or his predecessors (which the Iudges here have certified to be voyde in Law) bee called in, and avoyded by a legall course.

X.

Limiting of forreyne tryalls.

THat whereas complaint hath been made, That the countrey is much troubled by forreyne tryalls for title of lands, sometimes directed by Order from the Councel Table, and somtime from the Chancery; And consideration being taken whether it be needfull or fitting to have any forreyne tryalls at all, to debarre or deprive the subject, without his owne consent, of the benefite of a legall tryall of his title in the proper countie where the land lyeth: In regard of the manie spread families of one name and kindred in this Kingdome, and that most of the Gentry and Freeholders in some counties, are of one

one name and blood, and ſo affected with partialitie to their owne ſept, that the other ſide can have no indifferent triall of his right, As alſo in regard of the diſproportion in the tryall betweene an heyre male and an heyre female, and betweene the great Lords and ordinary perſons; way is to bee given in ſome ſpeciall caſes, and with ſome cautions and reſtrictions to theſe forreyne tryalls, and not wholly or ſuddenly to take the ſame away. And for the maner thereof, That no man, without his owne conſent atteſted under his hand or marke, and an entry made of ſuch conſent, be enforced to a forreyne tryal, to which the Law doeth not compell him, unleſſe it be by a Bill firſt exhibited into the Chancery, and the ſame fyled of record, and ſo to continue, that requires the ſame, conteyning the allegations inducing thereunto; and the party intereſſed, duely called to anſwer the ſaid Bill, And thereupon the Lord Chancellor, upon the parties confeſsion, by anſwer or proofe of the ſuggeſtion of the Bill (taking advice & aſsiſtance of the Iudges

of the Court where the cauſe depends, in matters of moment and waight) to make a leading Order in ſpecial caſes, whereby there may be an indifferent tryall of the title, the better to give expedition and end to the ſuit. This to be ſparingly done, and upon weighing the circumſtances, that may induce the ſame; and with inhibition that it be not done at all againſt a poſſeſsion continued thirtie yeares (but in caſe where it immediately concernes his Majeſties title, or the Church, or an Infant, or a *feme covert*, or perſons beyond the Seas, and of *non ſane memorie*) or for anie plaintife or defendant that comes in by Maintenance or Champertie, or clayming by any that were three yeares before out of poſſeſsion, nor againſt a purchaſer upon valuable conſideration, his heyres or aſsignes; by any Seller, his heyres or iſſue, or any other clayming to their uſe, And in ſuch caſes of diſabilitie, to be purſued within reaſonable time after the removeall of the ſame, And in caſe of the Church, to be enlarged to fortie yeares. And no leading Order to be made

Leading Orders.

to

to direct any tryall, or intermedling with matters of Title or ſuit betweene partie and partie at the Councell Table, or in anie other Court beſides the Chancerie. And that leading Orders, without conſent of parties in any other point or caſe, be upon Bill and Anſwer, and ſparingly uſed, and with the circumſtances aforeſaid. And that the Chancerie ſhall not in the ſame caſe graunt a ſecond leading Order for the ſame partie, but therein to leave him to the ordinarie tryall by law. And if the Chancerie ſhall, according to the directions aforeſaid, make any leading Order, and the ſame be not performed by the party, that in ſuch caſe the Court of Chancerie may impriſon the body of ſuch perſon as ſhall not obey the ſame, untill he ſhall conſent thereunto. And if within three moneths after his commitment hee ſhall not conſent thereunto, then to be committed cloſe priſoner untill hee conſent, and no ſequeſtration of the lands or poſſeſsion to be graunted upon ſuch contempt. And becauſe ſome clamorous perſons, not con-

tent

tent with the ordinary juſtice here, may by falſe ſuggeſtions trouble his Majeſtie, or his Councell, and endevour to get letters out of England for warranting of ſuch forreyne tryalls, or queſtioning of Titles, or other leading Orders: his Majeſtie hath directed the Secretarie for Iriſh cauſes attending in England, that hee ſhall write no letters in theſe caſes, except his Majeſtie be firſt moved therunto by the privie Councell there.

XI.

Reducing the forme of Iury writts to the courſe of England.

THat whereas, for more indifferencie of tryall, it hath been a late uſe here to make out Iury proceſſe with blankes, and then the Iudges at the Barre or at the Aſsiſes, to fill up the blankes: The ſame courſe, unleſſe it bee by conſent of parties, to be hereafter forborn, or ſparingly uſed, being unwarranted by Law; but that in ſpecial caſes at the motion of the parties, according to the manner in Eng-

England, the Sheriffe be enjoyned to bring his booke of Freeholders before ſome of the Iudges of the Court where the cauſe depends, and xlviij. names being choſen out of the booke, eyther ſide left to take off xij. and the other xxiiij. to be returned by the Sheriffe for tryall of the cauſe. And for the better expediting of the ſervice, it may be enacted here at the next Parliament, to be held in this Kingdome, that the Iudges here may have power to graunt a *Tales de circumſtantibus*, as it is in England provided by a Statute law.

XII.

Iudges at Common-law, not to ſtay execution upon pretence of equitie.

THat to the intent there may be no claſhing betweene the Courts of juſtice, but each of them to keepe and conteyne it ſelfe within its own bounds, the Courts of common law are to proceed according to the courſe of law, leaving the points of equity to their proper place. And that the Iudges ſhall

not hereafter stay execution, after judgment, or other ordinary proceeding in course of law, upon supposition or pretence of matter of equity.

XIII.

Restrayning of English Commissions, granted to Iudges of Assise.

THat the English Commission now used by the Iustices of Assise, and first begun in his Majesties time, when this countrey was not setled, be restrayned, and not to extend to any debt or damage in the Presidencie governements above v. li. sterling, nor in other places of the Kingdome, above the value of x. li. sterl. nor to intermeddle with title of land, nor to remove possession, but to continue possessions, and not to referre any causes to others, but to proceed to the hearing and ending, or dismissing according to their Commission, as there shall be cause, And all that they do, by vertue of that Commission, to be done in open Court.

Limitation

XIV.

Limitation of Preſidency Courts.

THat the Preſidencie Courts of Mounſter and Connaght, may, by inſtructions, be limitted not to intermeddle with any title of lands betweene party & party, other then to ſettle poſſeſsions, where a man hath been quietly in poſſeſsion for three yeares before, or where a man is forcibly or by fraude put out of poſſeſsion. That they may have power to hold plea onely of debts, detinue, actions upon the caſe, and accompt, where the debt or damage ſhall not exceede xl.li. Iriſh, and in replevins where the title of land ſhall not come in queſtion, And that they be reſtrayned to proceed upon any penall Statute, in other ſort then is preſcribed by the Statute.

XV.

Reprive of Prisoners.

THat the said Lo: Presidents shall not, if they be absent, reprive any prisoner condempned before the Iustices of Assises: But if in such case of absence, the Lo: President shall signifie to the Iustices of Assise, that any prisoner questioned before them, be fit to be reprived for matter of State, for the service of his Majestie, the Iustices of Assise shall have due respect and regard thereunto.

XVI.

Causes not to be referred without consent in writing.

THat no referment of any cause depending in any Court of justice or equity, be made to anie others, without consent of parties, but be eyther dismissed or judicially proceeded in, as the case and matter shall require, And in case of consent, the same to bee

attest-

atteſted under the hand or marke of the parties, and an entry to be made of the ſame.

XVII.

Orders made by one Court or Commiſſion, not to be croſſed by another.

THat no Decrees made in Chancerie, or in the Preſidencie courts, under the reſtrictions aforeſaid, nor judgement given before the Iudges of the Bench (having prioritie of ſuit) be croſſed by anie Order or Decree by the Iuſtices of Aſsiſe, by vertue of their Commiſsion for Engliſh cauſes: And that the Orders made by this Engliſh Commiſsion, not exceeding the value aforeſaid, reſpectively, be not queſtioned or impeached in the Preſidents Courts or Chancerie.

XVIII.

Limitation of the proceedings in Chancery.

THat the Chancerie proceedings be upon Bill and Anſwer, and that upon record in

ordinary courſe, and not upon Petition or motion without Bill, And that the Chancery doe not intermeddle with matters meerely determinable at common law, in which, law and equity doe looke one way, but doe leave the ſame to the ordinary cognizance of the Courts of law, to which they properly doe appertaine; And that the parties be called to anſwer onely by ordinarie *Subpœna*, and not otherwiſe.

XIX.

No certiorare to remove cauſes into the Chancerie from the Provinciall courts.

THat no Certiorare be granted out of the Chancerie, to remove anie cauſe out of the courts before the Preſidents of Mounſter & Connaght, which are there firſt attached, being under the value of xxx.li. Engliſh; but that the ſame be left to the ordinarie juſtice and proceedings of the ſaid courts, where ſuch ſuit is firſt commenced, if the ſame bee within the cognizance of the ſaid courts, and

warran-

warranted by their Commiſsion and inſtructions and reductions heretofore mentioned, and the partie left to exhibit his Bill there, or in Chancerie for reverſing thereof, that findes himſelf grieved with the Decree.

XX.

Due debts upon Bonds, not to be remitted in Chancerie.

THat ſuch as wilfully or careleſly forfeyt Bonds for juſt debts, and ſeeke reliefe in Chancerie to be diſcharged of the penaltie, doe ſatisfie the creditor his full principall due debt, and reaſonable dammages and coſts, without any abatement, unleſſe it be by conſent of the partie to whom the debt is due.

XXI.

Limiting of Injunctions in Chancerie.

THat no Order or Injunction be graunted forth of the Chancerie, to ſtay any ſuite at law, but upon a Bill firſt preferred, and the party

party ſerved with proceſſe, and anſwered the Bill, unleſſe it be in ſpeciall caſes, where the party ſtands in contempt for not anſwering, or being ſerved with proces on his perſon, takes a *Dedimus poteſtatem* in his favour to anſwer in the countrey, And then ſuch Injunctions, for want of anſwer, to be diſſolved upon a good Anſwer put in to the Bill, And the party to move the court upon the Anſwer, if there be cauſe, to continue the Injunction. And that no Injunction bee graunted upon anie matter ſurmiſed in the Bill, which is directly traverſed or denied by the defendants Anſwer: but upon ſuch negative anſwer, the plaintife left to his proofe in ordinarie courſe, and thereupon after publication, upon hearing of the cauſe, the court to order the ſame: And that where by the anſwer part of the money is confeſſed to be received, there be not any Injunction granted, unleſſe the reſidue of the debt be brought into court, with damages, but the plaintife left to proceed with his proofes, and thereupon the court to order as there ſhalbe cauſe.

That

XXII.

No reliefe in equitie upon morgages, or forfeyture after xx. yeares.

THat no man be relieved in Chancerie, or other court of equitie, in point of equitie upon lands morgaged and forfeyted, unleſſe the ſuit be commenced and proſecuted with effect, within twentie yeares after the forfeiture, except in caſes of infancie or other diſabilitie before mentioned.

XXIII.

Limiting of Injunctions.

THat no Injunction bee graunted to remove or alter poſſeſsion, but upon a ſufficient matter confeſſed in the defendants anſwer, whom it concernes, or upon hearing the cauſe, after due proceeding in ordinarie courſe to iſſue, and publication of witneſſes, unleſſe it be in the caſes where the defendant ſtands out all proceſſe of contempt, after the

Subpœna first served on his person, and will not answer nor submit himselfe to justice, or where it is duly proved, that the possession is recently and indirectly obtayned.

XXIV.

Sequestration.

THat sequestration of lands be sparingly granted, and in no case, but where the same lands so sequestred be in question, and demand by the said suit, and in no wise as *nomine pœnæ*, in other cases.

XXV.

Awarding Commission for the Kings title, and finding offices thereupon.

THat where possession or preception of the profites, hath continued for the space of xx. yeares against his Majesties title, that in such cases no Inquisition to be taken forth, without first calling of the partie whom it concernes, into the court, from whence the com-

Commiſsion is to iſſue or be returned, And he to have due notice of the time and place of execution of the ſame. And that no Inquiſition *ex officio* ſhall be found againſt ten yeares poſſeſsion.

XXVI.

Parties intereſſed, to have notice given them, before an office be found.

THat no Office nor Inquiſition at all be found before any Eſcheator or Feodary, or their deputie or other commiſsioners, but upon due notice firſt given to the partie whom it concernes, and the ſame alſo ſet up in the courts where the ſame Commiſsion iſſueth, the Terme before the going forth of the ſame.

XXVII.

Eſcheators and Feodaries, and their deputies, to be ſworne.

THat neyther the Eſcheator, nor his deputie, nor the Feodarie nor his deputy, ſhall

execute or exercise their places, till they have taken the oath of Supremacy, and the oath of their office, and their deputation be allowed, and enrolled, And that no Escheator nor Feodary, nor their deputies be hereafter made, but men of qualitie, and such as shall be first sworne to the Supremacy, and take the oath for the due execution of their offices, before they exercise the same, And that in small counties, every Escheator to have two counties; and in every other county a severall Escheator to be appointed, and not to continue their places otherwise then during pleasure, and not above two yeares: and that such as are already made for life or good behaviour, be left to the law.

XXVIII.

Feodaries fee.

THat the Feodaries to bee continued, and to be allowed, as they are by the Court of Wards in England.

Iuries

XXIX.

Iuries upon Inquiſitions, not to be bound over without a leading Order in Court.

THat if in caſe a Iury to whom evidence is given for the King in the countrey in the vacation time, before the Eſcheator or Feodarie, or their deputies or other commiſsioners, ſhall, contrary to their evidence, refuſe to give a verdict and finde for the King, yet ſhall not the ſaid Iury nor any of them, bee bound over to appeare the next Terme at the Barre, unleſſe it be by direction of ſome leading Order in the Courts of juſtice, made before in the Terme time, to warrant the ſame, but that in caſes of refuſall, where no ſuch leading Order is firſt made, the Eſcheator, Feodary, & their deputies, or other commiſsioners, doe within foure dayes of the next Terme following, make known in the Chauncery, Eſchequer, or court of Wards, as the caſe requireth; and the party whom it concernes, or his Councell or Sollicitor, ſhall

have notice at the refuſall of the ſaid office, of ſuch complaint to be made: and then the partie being heard, the court to order as they ſee cauſe.

XXX.

Returne of Inquiſition.

THat Inquiſitions found and taken before the Eſcheator, Feodary, and their deputies, and other commiſsioners, be duely returned: And that the courſe of Indentures interchangeably ſealed betweene the Eſcheators and Feodaries, and their deputies, or other commiſsioners, and the Iurors, be duely obſerved, and no returne to be made before the ſame be duely done and performed, as aforeſaid, And that the ſame office be returned within a moneth after the taking thereof, or by the ſecond returne of the next Terme, at the furtheſt.

Iudges

XXXI.

Iudges of Aſsiſe to appoint the places of ſittings.

Choyce of Clerkes of the Crowne.

THat there be in every circuit one Clerke of the Crowne and Aſsiſes, and in everie county one Clerke of the Peace, and they to execute their offices in perſon, and not by deputie, unleſſe it be in caſe of ſickeneſſe, or other neceſſary impediments, And the donation thereof to be as they were before, but no penſions or charge to be allowed by his Majeſtie for the execution of thoſe places: And that the Iuſtices of Aſsiſe may, at their pleaſure, appoint the Aſsiſes to be kept in ſuch place as they ſhall thinke fit for the eaſe of themſelves and the countrey, and not to be reſtrayned by order or commandement, notwithſtanding any reſtriction or order to the contrary.

VVrits

XXXII.

VVritts of error upon judgement in the Kings Bench.

THat whereas a judgement given in the court of Kings Bench of Ireland, is subject to reversall, if there be cause, by Writt of error in the court of Kings Bench of England; which of late (as his Majestie is informed) have beene more frequent then in former times, and pursued upon matters of forme, and for vexation and delay of execution, That therefore no such Writt of error be hereafter graunted upon erroneous proceedings in forme, or other defects, saving upon the meere points in law, whereupon the court gave their judgement. And that no Writt of error bee signed at London, or brought downe hither with a supposition of, *si judicium inde redditum sit*, before the judgement be given indeed, And if the Writ of error beare date before the judgment here given, that the Iustices may, notwithstanding such

ſuch Writt delivered, in their diſcretion grant execution.

XXXIII.

Proceedings in offences againſt Proclamation.

THat if information be given to the Lo: Deputie, or Iudges, or others, to whom it ſhall appertaine, that any man hath committed anie thing againſt his Majeſties Proclamation, that in ſuch caſes no proceſſe iſſue forth, to levie any penalty thereby inflicted, nor any perſon bee therefore impeached without firſt calling the partie in by proces in ordinarie courſe, to anſwer his contempt, and ſet forth what hee can in his excuſe or defence, before he be condemned or troubled.

XXXIV.

The cuſtome of Kencogus law and tracts.

THat whereas a cuſtome heretofore called *Kencogus* law, was anciently exerciſed a-

mongſt the Iriſh (which had a ground of reaſon for thoſe troubleſome times) that five of the principal or heads of their ſept, ſhould recompence and make good anie ſtealth committed by any other of the kindred, and had force by Statute law in places that were no ſhires: which Statute now is of no force, in regard all is reduced into ſhires, and yet of late time hath beene abuſed. And the practiſe, by pretence thereof, hath beene, That if one of a kindred or ſept committed a ſtealth, that all or anie of the others ſhould anſwer it, and that without due proceſſe or conviction, to their impoveriſhment and diſcontent: It is his Majeſt. pleaſure that it ſhould be continued, or left, as ſhall be found fitteſt, to the Lo: Deputy and Councell. And for the cuſtome of Tracts, for which there is no law eſtabliſhed, but are directed by Act of State, that the ſame, ſo long as they continue in uſe, be equally communicated, aſwell to the Iriſh as Brittiſh, or wholly taken away.

XXXV.

No generall dormant Commiſſions to be graunted.

THat all generall dormant Commiſsions to enquire of titles of lands, wardſhips, forfeytures, or other matters or miſdemeanours, directed to the Eſcheator, Feodarie, or their deputies, or other Commiſsioners, be all called in, and that none ſuch be hereafter graunted.

XXXVI.

No Iudges ſervant to be Atturney at the common law.

THat no perſon, that now is, or hereafter ſhall become ſervant, attendant, or followwer to anie Iudge or Iuſtice of Aſsiſe, bee hereafter permitted to practiſe as an Atturney at common law (other then the Iudges Marſhall, to appeare as Atturney, according

to the uſuall courſe in England, where the Atturney of Record is abſent) nor to ſollicite anie cauſe depending or to be proſecuted in anie court, before ſuch Iudge or Iuſtice of Aſſiſe, to whom hee is or ſhall bee ſervant, attendant, or follower.

XXXVII.

Iudges of Aſsiſe not to ride the circuit where they were borne or dwell.

THat according to the Statute in force in both kingdomes, no Iuſtice of Aſsiſe doe hereafter ryde in the countrey or circuite where hee was borne, And that no Patent with any clauſe of *non obſtant'*, be hereafter graunted to fruſtrate the ſaid Act: And that the Iuſtices of Aſsiſe ſhall not ryde circuit in the countrey where they have their habitation, which is reſtrayned by Statute in England, though not in Ireland.

Sum-

XXXVIII.

Summons of Freeholders to appeare at Aſſiſes and Seſsions.

THat the manner or cuſtome to warne or returne all the Freeholders of the countrey to appeare at the Aſsiſes and Seſsions, be hereafter forborne, and that henceforth a competent number of able and meete perſons be by the Sheriffe duely warned and returned, out of which, choyſe be made to ſupply the ſervice, And that if a full number appeare, whereby the grand Iury be filled, and the ſervice performed, then in ſuch caſes the Iuſtices forbeare to impoſe any fine at all upon thoſe that made default, or at leaſt to moderate the ſame, and not to exceed ten ſhillings ſterling at any one time.

XXXIX.

Summoning of Iurors.

THat the Iurors to passe betweene partie and partie, be duely warned by the Sheriffe or his officers, and equalitie to be used in the service, how to be warned at one Assise, how for another; and that the same persons be not continually troubled and put to travell and charge.

XL.

Against the testimony of persons condemned or in protection.

THat the accusation or testimony of condemned persons or under protection, be not used as a convincing evidence; and if opened, yet not pressed against men legally acquitted, or that stand upon tryall of their lives.

XLI.

Cities made Counties, to be recalled.

THat if any Cities of this Kingdome, which have lately beene made Counties, ſhall give juſt occaſion, whereby the ſame may by Law be avoyded, that care be had to call them in, and to reduce them into the counties, out of which they were taken. For it now appeareth (by information of the Iudges here) that there ariſeth by the ſame Counties both an impediment to juſtice, and inconvenience to his Majeſties ſervice, in regard of the ſcarcitie and inſufficiencie of Iurors in the ſaid Cities; and the number of them out of the generall Counties are thereby likewiſe leſſened. And they are the more emboldned to offend, becauſe they have by graunt the benefite of the fines and forfeytures.

No

XLII.

No fine, &c. to be granted before it be paid into the receipt.

THat no fine or amerciament imposed upon anie Sheriffe, or other offendor, or any recognizance entred into by any person whatsoever, before or after the forfeyture be graunted away to anie other, before the same be paid into the receipt. And that the Sheriffs be looked into for the speedie execution of writts and processe, which will both further justice, & advance his Majesties service, and the neglect thereof, is an impediment to both.

XLIII.

Prohibitions for causes in Ecclesiasticall Courts.

THat no Prohibition shall be graunted for a stay of any suit in the Eccleſiasticall Court,

Court, but upon motion in open Court, and upon day given to the adverſe party to ſhew cauſe why prohibition ſhould not be awarded. Provided alwayes, that if affidavit be made, that the party ſued in the ſpirituall Court, cannot get the copie of the libell, that then in ſuch caſe, the temporall Court may award prohibition, although the libell be not produced: And that no prohibition be granted after ſentence in the ſpirituall Court, or after publication of witneſſes, unleſſe it ſhall appeare to the temporall Court, that there is good cauſe of prohibition, and that the defendant in the ſpirituall Court hath beene overtaken by a quicke and haſtie proceeding in the ſpirituall Court.

XLIV.

Proceedings in the Spirituall Courts.

THat the Eccleſiaſticall Court ſhall, upon the demand of anie partie ſued in the ſaid Court, deliver a copie of the libell to every

party ſued in the ſame Court. And that the Ordinarie of the Dioces and his Officiall, ſhall take care, that the ſubject be not troubled or moleſted by ſuits in the ſpirituall Court, unleſſe it ſhall appeare unto them that the plaintiffes in the ſpirituall Court have *probabilem & honeſtam cauſam litigandi*. And whereas of late times the Eccleſiaſticall Courts have uſed to impoſe a pecuniary mulct in the ſpirituall Court, without conſent of the parties, and have uſed to impriſon men for non payment of the ſaid mulct, or for not obeying the cenſure of the ſaid ſpirituall Court; which courſe hath no lawfull warrant: That hereafter the ſpirituall court forbeare to impoſe or inflict any pecuniary mulct upon any perſon, unleſſe the other partie deſire to commute his penance. And that in no caſe they doe impriſon any man for not performing any ſentence or cenſure of the ſaid Court, or for any contempt againſt the ſaid court: That the ſpirituall court uſe ſparingly commutation of penance: And that no commutation be had,

but

but onely upon the firſt offence committed, or where the fault is not enormious. And where any commutation of penance is made, that then a publique act be made of ſuch commutation of penance, and regiſtred in the Regiſters booke, And that ſuch money as ſhal be levied or received upon ſuch commutation, bee faithfully and truely diſtributed to pious uſes, and not converted to anie private uſes.

XLV.

Choyce of Officialls and Commiſſaries.

THat the Biſhop of every Dioceſſe take order to appoint honeſt and ſufficieent Officialls, Chancellors and Commiſſaries to execute juriſdiction under them: and that ſuch Chancellors, Officialls, and Commiſſaries ſhall take a corporall oath, truely and juſtly to execute his office, And that Parſons, Vicars and Curates bee not at all, or ſparingly, unleſſe

lesse upon case of necessitie, used in such office.

XLVI.

Tythes and mortuaries.

THat whereas the Parsons and Vicars in diverse places of this Realme, doe clayme olde Irish customes, and exactions of Tythings and of Mortuaries, contrarie to the use and law in England: That a course bee taken by an Acte of State, or otherwise, to limit a valuable consideration and full proportion in point of Tythes in *specie*, in liew of the said customes; and those Irish customes and exactions to be abolished: which course hath alreadie beene taken in Vlster.

Spirituall

XLVII.

Spirituall Courts to be kept at due times.

LAſtly, that the ſubject be not vexed by often & over frequent citation to the ſpirituall Court, but that the ſaid Courts be kept at due and convenient times, and no oftner then it ſhall be requiſite.

FINIS.